

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4641 OF 1999

Jeevan Prakash Gaikwad

...Petitioner

Versus

The Special Land Acquisition Officer No. II,
Pune, & Ors.

...Respondents

Ms. Gauri Godse for the Petitioner

Mr. V.S. Gokhale, Assistant Government Pleader,
for the Respondents.

**CORAM: V.G. PALSHIKAR, Ag.C.J., &
D.B. BHOSALE, J.**

DATE: NOVEMBER 23, 2005.

P.C.:-

1. The order dated 4th July, 2000 reads as under:-

“1. We have heard the learned counsel for the parties.

2. We are inclined to admit this petition only on the point that Section 6 declaration which was issued beyond the period of one year is without jurisdiction. In the instant case, Section 4 notification was issued on 1st April, 1997 and Section 6 declaration was issued on 18th December, 1997. The declaration

under Sec. 6 which was issued on 18th December, 1997 was quashed by this Court on the ground that invoking of the urgency clause was not justified. High Court order is dated 18th September, 1998. Even if we exclude the period from original declaration i.e. 18th September, 1997, there was still time left for the State Government to issue fresh declaration within the statutory period of one year. The declaration which is now impugned in the present petition is dated 26th May, 1999 which is obviously issued after the expiry of period of one year. At least, *prima facie* we find that declaration is contrary to the statute. Hence, we grant Rule. There shall be interim stay of declaration. However, we make it clear that this order will not preclude the State Government from initiating the acquisition proceedings afresh in accordance with law.”

2. Taking into consideration the order and the provisions of Sections 4 and 6 of the Land Acquisition Act, 1894, we make the Rule absolute in terms of the said order dated 4th July, 2000.